

1 TOMIO B. NARITA (SBN 156576)
tnarita@snllp.com
2 LINDSEY A. MORGAN (SBN 274214)
lmorgan@snllp.com
3 SIMMONDS & NARITA LLP
4 44 Montgomery Street, Suite 3010
San Francisco, CA 94104-4816
Telephone: (415) 283-1000
5 Facsimile: (415) 352-2625

6 Attorneys Defendant
Cavalry Portfolio Services, LLC
7

8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
10

11 DENNIS SCHULTZ,
12 Plaintiff,

13
14 vs.

15 CAVALRY PORTFOLIO
16 SERVICES, LLC and DOES 1-10
inclusive,

17 Defendants.
18 _____

CASE NO. **'13CV2969 L BGS**
NOTICE OF REMOVAL

1 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

2 PLEASE TAKE NOTICE that defendant Cavalry Portfolio Services, LLC
3 (“Defendant”) hereby removes to this Court the state court action described below.

4 1. On November 5, 2013, a complaint was filed against Defendant by
5 plaintiff Dennis Schultz (“Plaintiff”), in an action pending in the Superior Court of
6 the State of California in and for the County of San Diego, entitled *Dennis Schultz v.*
7 *Cavalry Portfolio Services, LLC, et al.*, case number 37-2013-00074212-CL-MC-
8 NC. A copy of the state court Summons and Complaint (“Complaint”), the Civil
9 Case Cover Sheet, and other documents issued by the state court that were served on
10 Defendant are attached hereto as **Exhibit A**.

11 2. This removal petition is timely under 28 U.S.C. § 1446(b) because
12 Defendant was served on November 12, 2013.

13 3. This action is a civil action of which this Court has original jurisdiction
14 under 28 U.S.C. § 1331 and which may be removed to this Court by Defendant
15 pursuant to the provisions of 28 U.S.C. § 1441(a) in that the Complaint asserts
16 claims against Defendant allegedly arising under the Fair Debt Collection Practices
17 Act, 15 U.S.C. §§ 1692, *et seq.* See Exhibit A, Complaint, ¶¶ 16, 28, 29 and 40-94.

18 4. As the Complaint was filed in the Superior Court of the State of
19 California, County of San Diego, venue in this District is proper. See 28 U.S.C. §
20 1441(a) (providing for removal “to the district court of the United States for the
21 district and division embracing the place” where the state court action is pending); 28
22 U.S.C. § 84(d) (The Southern District comprises the counties of Imperial and San
23 Diego).

24 5. Defendant is represented by the undersigned.

25 //

26 //

27 //

28 //

1 DATED: December 11, 2013

SIMMONDS & NARITA LLP
TOMIO B. NARITA
LINDSEY A. MORGAN

2
3
4 By: s/Lindsey A. Morgan
Lindsey A. Morgan
5 Attorneys for defendant
6 Cavalry Portfolio Services, LLC
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28